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DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Antidumping and Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates. In accordance with Commerce's regulations, we are initiating those administrative reviews.

DATES: Applicable [**INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER**].

FOR FURTHER INFORMATION CONTACT: Brenda E. Brown, Office of AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482-4735.

SUPPLEMENTARY INFORMATION:

Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various antidumping and countervailing duty orders and findings with March anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

Notice of No Sales

If a producer or exporter named in this notice of initiation had no exports, sales, or entries during the period of review (POR), it must notify Commerce within 30 days of publication of this notice in the *Federal Register*. All submissions must be filed electronically at <http://access.trade.gov> in accordance with 19 CFR 351.303.¹ Such submissions are subject to verification in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act). Further, in accordance with 19 CFR 351.303(f)(1)(i), a copy must be served on every party on Commerce's service list.

Respondent Selection

In the event Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review. We intend to place the CBP data on the record within five days of publication of the initiation notice and to make our decision regarding respondent selection within 30 days of publication of the initiation *Federal Register* notice. Comments regarding the CBP data and respondent selection should be submitted seven days after the placement of the CBP data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments five days after the deadline for the initial comments.

¹ See *Antidumping and Countervailing Duty Proceedings: Electronic Filing Procedures; Administrative Protective Order Procedures*, 76 FR 39263 (July 6, 2011).

In the event Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Act:

In general, Commerce has found that determinations concerning whether particular companies should be “collapsed” (*e.g.*, treated as a single entity for purposes of calculating antidumping duty rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this antidumping proceeding (*e.g.*, investigation, administrative review, new shipper review or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection. Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Quantity and Value (Q&V) Questionnaire for purposes of respondent selection, in general each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

Revised Respondent Selection - Multilayered Wood Flooring from the People's Republic of China

The respondent selection procedures outlined in the February 23, 2018 notice initiating the sixth administrative review of the antidumping duty order on multilayered wood flooring (MLWF) from the People's Republic of China (China) covering the period 12/01/2016-11/30/2017,² are revised as follows. With respect to the sixth administrative review of MLWF from China, the February 23, 2018 notice indicated that, in the event Commerce limits the number of respondents for individual examination, Commerce intended to select respondents based on CBP data for U.S. imports of MLWF from China during the period of review. Subsequently, Commerce placed the CBP data on the record of the sixth administrative review of MLWF from China, and solicited and received comments. However, as noted below, the China-wide entity, which is under review,³ was inadvertently excluded from the February 23, 2018 notice. Therefore, upon further consideration, to ensure parties are not disadvantaged by this inadvertent omission at this stage of the review, and in the event Commerce limits the number of respondents for individual examination, Commerce finds it appropriate to select respondents based on volume data contained in responses to quantity and value questionnaires. Further, Commerce intends to limit the number of Q&V questionnaires issued in the review based on the CBP data for U.S. imports already on the record. Parties will be given an additional period of time to comment on the CBP data used by Commerce to limit the number of Q&V questionnaires issued. Commerce invites comments regarding the CBP data and our intended

² See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 83 FR 8058 (February 23, 2018).

³ See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

respondent selection procedures within five days of the publication of this notice in the Federal Register. Commerce intends to issue the Q&V questionnaire to the top ten companies listed in the CBP data by volume, and additionally intends to issue a Q&V questionnaire to the China-wide entity, care of the Embassy of China in the United States. Parties subject to the review to which Commerce does not issue a Q&V questionnaire may file a response to the Q&V questionnaire if they desire to be included in the pool of companies from which Commerce will select mandatory respondents. The Q&V questionnaire will also be available on Commerce's website at <http://trade.gov/enforcement/news.asp> on the date of publication of this notice in the Federal Register. All responses to the Q&V questionnaire must be submitted by the applicable deadline noted therein.

Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. In order to provide parties additional certainty with respect to when Commerce will exercise its discretion to extend this 90-day deadline, interested parties are advised that Commerce does not intend to extend the 90-day deadline unless the requestor demonstrates that an extraordinary circumstance has prevented it from submitting a timely withdrawal request. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and, thus, should be assigned a single antidumping duty deposit rate. It is Commerce's policy to

assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a separate rate application or certification, as described below. For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at <http://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this *Federal Register* notice. In responding to the certification, please follow the "Instructions for Filing the Certification" in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this *Federal Register* notice. The deadline and requirement for submitting a Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment of the proceeding⁴ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,⁵ should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Status Application will be available on Commerce's website at <http://enforcement.trade.gov/nme/nme-sep-rate.html> on the date of publication of this *Federal Register* notice. In responding to the Separate Rate Status Application, refer to the instructions contained in the application. Separate Rate Status Applications are due to Commerce no later than 30 calendar days of publication of this *Federal Register* notice. The deadline and requirement for submitting a Separate Rate Status Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase and export subject merchandise to the United States.

For exporters and producers who submit a separate-rate status application or certification and subsequently are selected as mandatory respondents, these exporters and producers will no longer be eligible for separate rate status **unless** they respond to all parts of the questionnaire as mandatory respondents.

INITIATION OF REVIEWS:

⁴ Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (*e.g.*, an ongoing administrative review, new shipper review, *etc.*) and entities that lost their separate rate in the most recently completed segment of the proceeding in which they participated.

⁵ Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following antidumping and countervailing duty orders and findings. We intend to issue the final results of these reviews not later than March 31, 2019.

<u>Antidumping Duty Proceedings</u>	<u>Period to be Reviewed</u>
BRAZIL: Certain Uncoated Paper A-351-842 Suzano Papel e Celulose S.A.	3/1/17 - 2/28/18
INDIA: Certain New Pneumatic Off-the-Road Tires A-533-869 ATC Tires Private Limited	2/2/17 - 2/28/18
INDONESIA: Certain Uncoated Paper A-560-828 PT Anugerah Kertas Utama (AKU), PT Riau Andalan Kertas (RAK) and APRIL Fine Paper Macao Offshore Limited (AFPM), (collectively, APRIL)	3/1/17 - 2/28/18
PORTUGAL: Certain Uncoated Paper A-471-807 The Navigator Company, S.A.	3/1/17 - 2/28/18
SPAIN: Stainless Steel Bar A-469-805 Sidenor Aceros Especiales S.L.	3/1/17 - 2/28/18
THAILAND: Circular Welded Carbon Steel Pipes and Tubes A-549-502 Apex International Logistics Aquatec Maxcon Asia Asian Unity Part Co., Ltd. CSE Technologies Co., Ltd. Expeditors Ltd. K Line Logistics Pacific Pipe Public Company Limited (also known as Pacific Pipe Company)	3/1/17 - 2/28/18

Pacific Pipe and Pump
Panalpina World Transport Ltd.
Polypipe Engineering Co., Ltd.
Saha Thai Steel Pipe (Public) Company, Ltd.
Siam Fittings Co., Ltd.
Siam Steel Pipe Co., Ltd.
Thai Malleable Iron and Steel
Thai Oil Group
Thai Premium Pipe Co., Ltd.
Vatana Phaisal Engineering Company

THE PEOPLE'S REPUBLIC OF CHINA: Glycine
A-570-836

3/1/17 - 2/28/18

Avid Organics Pvt. Ltd.
Baoding Mantong Fine Chemistry Co.,Ltd.
Kumar Industries
Rudraa International
Salvi Chemical Industries

THE PEOPLE'S REPUBLIC OF CHINA: Multilayered Wood Flooring
A-570-970

12/1/16 - 11/30/17

The China-Wide Entity⁶

Countervailing Duty Proceedings

INDIA: Certain New Pneumatic Off-the-Road Tires
C-533-870

6/20/16 - 12/31/17

ATC Tires Private Limited
Balkrishna Industries Limited

INDONESIA: Certain Uncoated Paper
C-560-829

1/1/17 - 12/31/17

PT Anugerah Kertas Utama (AKU), PT Riau Andalan
Kertas (RAK) and APRIL Fine Paper Macao Offshore
Limited (AFPM), (collectively, APRIL)

TURKEY: Circular Welded Carbon Steel Pipes and Tubes
C-489-502

1/1/17 - 12/31/17

Borusan Mannesmann Boru Sanayi ve Ticaret A.S.

⁶ Commerce inadvertently omitted the China-Wide Entity from the Initiation Notice which published on February 23, 2018 (83 FR 8058).

Borusan Birlesik Boru Fabrikalair San ve Tic.
Borusan Istikbal Ticaret T.A.S.
Borusan Gemlik Boru Tesisleri A.S.,
Borusan Ihacat Ithalat ve Dagitim A.S.
Borusan Ithicat ve Dagitim A.S.
Tubeco Pipe and Steel Corporation, Borusan Holding
Borusan Holding
Borusan Mannesmann Yatirim Holding
Cagil Makina Sanayi ve Ticaret A.S.
Cayirova Boru Sanayi ve Ticaret A.S.
Cimtas Boru Imalatları ve Ticaret Sirketi
Eksen Makina
Erbosan Erciyas Boru Sanayi ve Ticaret A.S.
Guner Eksport
Guven Steel Pipe (also known as Guven Celik Born San. Ve Tic. Ltd.)
MTS Lojistik ve Tasimacilik Hizmetleri TIC A.S. Istanbul
Net Boru Sanayi ve Dis Ticaret Koll. Sti.
Toscelik Metal Ticaret A.S.
Toscelik Profil ve Sac Endustrisi A.S.
Toscelik Metal Ticaret A.S.
Tosyali Dis Ticaret A.S.
Umransel Celik Born Sanayii A.S., also known as Umransel Steel Pipe Inc.
Yucel Boru ve Profil Endustrisi A.S.
Yucelboru Ihracat Ithalat ve Pazarlama A.S.

Suspension Agreements

MEXICO: Fresh Tomatoes
A-201-820

3/1/17 - 2/28/18

Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an antidumping duty order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), the Secretary, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether antidumping duties have been absorbed by an exporter or producer subject to

the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The request must include the name(s) of the exporter or producer for which the inquiry is requested.

Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant provisional-measures “gap” period, of the order, if such a gap period is applicable to the POR.

Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce’s regulations at 19 CFR 351.305. Those procedures apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

Factual Information Requirements

Commerce’s regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting factual information, to specify under which subsection of 19 CFR

351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the final rule, available at <http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt>, prior to submitting factual information in this segment.

Any party submitting factual information in an antidumping duty or countervailing duty proceeding must certify to the accuracy and completeness of that information.⁷ Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives. All segments of any antidumping duty or countervailing duty proceedings initiated on or after August 16, 2013, should use the formats for the revised certifications provided at the end of the *Final Rule*.⁸ Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable revised certification requirements.

Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. *See* 19 CFR 351.302. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date.

⁷ *See* section 782(b) of the Act.

⁸ *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); *see also* the frequently asked questions regarding the *Final Rule*, available at http://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf.

Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning U.S. Customs and Border Protection data; and (5) quantity and value questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Please review the final rule, available at <http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 USC 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: April 26, 2018.

James Maeder,
Associate Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations
performing the duties of Deputy Assistant Secretary
for Antidumping and Countervailing Duty Operations.
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